

reference. The Examiner stated that Miller shows sheet music with indicia corresponding to sequences of notes. The Examiner stated that the indicia of Miller has two separate parts, one part indicating the location of the piano keys to be struck (i.e., the lines on the staff correspond to the piano keys) and the other part indicating the order if read downwardly from the top of the staff. Additionally, the Examiner stated that Miller uses standard notation to indicate the duration of the notes.

It is submitted that Miller uses the most objectionable parts of conventional music notation (i.e., notes) and presents that conventional notation in a complex matrix having horizontal components indicating locations on a keyboard and vertical components presumably intended to indicate the order in which the keys are struck. It is believed that Miller has taken a bad system and made that system considerably worse. The Miller system is even more complex to follow than conventional music notation.

In contrast to Miller, applicant's invention as set forth in amended independent claim 1 and its dependent claims is directed to a musical keyboard instruction device having an elongate marking device to be placed in proximity the keys of the keyboard and a display bearing a musical notation system comprising a plurality of discrete indicia. Each of the indicia on the display of amended claim 1 comprises a horizontal scale bar with dark and light rectangular shapes disposed in the order of the dark and light shapes on the marking device which in turn corresponds to the black and white keys on the keyboard. Each of the indicia on the display of amended claim 1 further includes at least one elongate key shape

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representing piano keys and depending from selected dark and light shapes on the scale bar. Each of the indicia further includes duration symbols registered with the elongate key shapes to indicate the duration of the notes to be played. The indicia further includes lines to indicate the order of notes to be played. Thus, the display defined by amended claim 1 clearly indicates one or a sequence of notes with the order and duration of the notes clearly indicated in each of the discrete indicia presented on the display. Furthermore, the indicia on the display is arranged along the scale bar in a pattern that substantially corresponds to the pattern used in the claimed elongate marking device which is positionable in proximity to the corresponding keys to be struck. Thus, the unique musical keyboard instruction device of amended claims 1-6 is in a visual form that corresponds directly to the keys on the keyboard and further to the rectangular shapes on the marking device that is positionable adjacent to the actual keys on the keyboard. This is clearly distinct from the complex matrix of Miller. Furthermore, there is nothing in the Miller reference that would lead a person skilled in this art from the complex and archaic Miller disclosure to the invention that I have defined by my amended claim 5.

Original claim 7 was rejected under 35 U.S.C. 102(b) as being anticipated by Miller. Claim 8 was rejected under 35 U.S.C. 103(a) as being obvious over Miller in view of Titus.


Claims 15 and 16 depended respectively from rejected claims 7 and 8. The Examiner indicated that both of these claims would be allowable if rewritten to overcome the rejections under

Section 112 and to include all of the limitations of the base claim and the intervening claims.

Claim 7 has been amended to more clearly set forth an invention having a plurality of method steps and to incorporate the limitations of claim 15. Accordingly, and in view of the Examiner's helpful comments, it is believed that amended claim 7 should be in condition for allowance. Claim 8 has been amended to more clearly define the invention and depends from amended claim 7. Thus, amended claim 8, through its dependency on claim 7 defines the claim 16 subject matter that the Examiner had indicated as being allowable.

In view of the preceding amendments and remarks, it is believed that all of the claims remaining in the application are directed to patentable subject matter, and allowance is requested. The Examiner is urged to contact the applicant at the number below to expedite the prosecution of this application.

Respectfully submitted,

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